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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,161	07/08/2003	David Curbow	SUN-P6353.CON	9756

7590 12/17/2004  
WAGNER, MURABITO & HAO LLP  
Third Floor  
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San Jose, CA 95113

EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,161

Applicant(s)

CURBOW ET AL.

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☒ Claim(s) 32-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 20041210
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the Remarks filed on 5/24/2004.
2. The previous office action declaring an Ex Parte Quayle is withdrawn and prosecution is reopened.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill, Patent Application Publication US 2002/0099574 A1 in view of Dutta et al., Patent Application Publication US 2002/0161520 A1.
5. (Claim 32) Cahill discloses a method of finding vacant parking stalls comprising:
  - a) a motorist providing a request to a remote service provider for parking availability ([0047]);
  - b) said service provider polling parking garages nearby said motorist for parking availability ([0047], lines 12-14 and [0057]-[0058]);
  - c) said parking garages each automatically determining parking availability and reporting same to said service provider ([0047], lines 12-14, [0055], lines 1-8, and [0007], lines 8-9); and

d) said service provider providing parking availability results to said motorist ([0053] and [0068]).

6. Cahill does not disclose that the request contain a location of said motorist. However, Dutta does disclose that the request contains a location of said motorist ([0061], lines 5-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Cahill and the teachings of Dutta to increase the consumer acceptability of the parking assistant device/method by finding the most current and closest available parking to the user/motorist's present location.

7. (Claim 33) Cahill discloses the method previously presented comprising:

c1) accessing a plurality of digital images, each image associated with a portion of a parking garage and each image covering a plurality of parking stalls ([0068] and [0045], lines 7-9);

c2) performing computerized image processing on each image to automatically detect vacant parking stalls of said plurality of parking stalls ([0068] and [0045], lines 7-9);

c3) indexing a map database with information regarding said vacant parking stalls of each image to determine physical locations of vacant parking stalls of said parking garage ([0068]);

c4) reporting information regarding a portion of said vacant parking stalls of said parking garage ([0040] and [0049]).

8. (Claim 34) Cahill discloses the method previously presented wherein said request of a) is transmitted wirelessly to said service provider ([0047] and [0037], lines 4-7).

9. (Claim 35) Cahill discloses the method previously presented wherein said parking availability results of d) are transmitted to said motorist using a wireless communication channel ([0037], lines 4-7 and [0068]).

10. (Claim 36) Cahill discloses the method previously presented wherein said parking availability results are filtered to be customized to said motorist ([0049]).

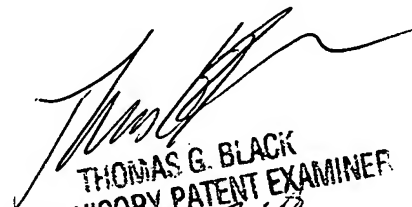
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (703) 305-0589. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/13/2004

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 2/10